1

2

3

4

5

6

7

8   UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11   MICHAEL DURAN,   Case No. 2:23-cv-01910-JDP (HC)

12   Petitioner,   **ORDER TO SHOW CAUSE**

13   v.   RESPONSE DUE WITHIN TWENTY-ONE
                                                  DAYS
14   GAVIN NEWSOM,

15   Respondent.

16

17   On December 1, 2023, I screened petitioner's petition for a writ of habeas corpus and

18   notified him that it failed to state a viable claim. ECF No. 3. I granted him thirty days to file an

19   amended petition. *Id.* To date, petitioner has not done so.

20   To manage its docket effectively, the court imposes deadlines and requires litigants to

21   meet those deadlines. The court may dismiss a case based on petitioner's failure to prosecute or

22   failure to comply with its orders or local rules. *See* Fed. R. Civ. P. 41; *Hells Canyon Pres.*

23   *Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005) ("[T]he consensus among our

24   sister circuits, with which we agree, is that courts may dismiss under Rule 41(b) sua sponte, at

25   least under certain circumstances."). Involuntary dismissal is a harsh penalty, but the court has a

26   duty to administer justice expeditiously and avoid needless burden for the parties. *See*

27   *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1.

28   Petitioner will be given an opportunity to explain why the court should not dismiss his

                                              1

1 case for failure to file an amended petition. Petitioner's failure to respond to this order will

2 constitute a failure to comply with a court order and will result in dismissal of this case.

3 Accordingly, petitioner must show cause within twenty-one days of the date of entry of this order

4 why the court should not dismiss his case for failure to prosecute and for failure to comply with a

5 court order. Should petitioner wish to continue with this lawsuit, he shall also file, within twenty-

6 one days, an amended petition for writ of habeas corpus.

7

8 IT IS SO ORDERED.

9

Dated: January 16, 2024   _____

10   JEREMY D. PETERSON
                                                              UNITED STATES MAGISTRATE JUDGE
11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28